

A SUBSTITUTE ORDINANCE

08-O-1003

**BY COMMUNITY DEVELOPMENT/
HUMAN RESOURCES COMMITTEE**

AN ORDINANCE AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF PARKS, RECREATION, AND CULTURAL AFFAIRS TO ENTER AN AGREEMENT WITH BOOSTER CLUBS WHOSE PURPOSE SHALL BE TO RAISE MONEY TO SUPPORT OFFICE OF RECREATION FACILITIES AND PROGRAMS; TO AUTHORIZE SUCH RAISED FUNDS BEING DEPOSITED INTO ACCOUNT SEGMENT 7701 (TRUST FUND), 140303 (PRC SUMMER PROGRAM), 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS), 6190000 (SPECIAL FACILITIES), 600239 (YOUTH ATHLETICS), 69999 (FUNDING SOURCE NON CAPITAL); TO AUTHORIZE THE CITY'S ACCEPTANCE OF DONATIONS FROM BOOSTER CLUBS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") expends considerable financial resources to support its recreation facilities and recreational programs; and

WHEREAS, certain private organizations ("Booster Clubs") operate to support financially a City recreation facility, including the programs operated therein; and

WHEREAS, a Booster Club typically sells concessions at a recreation facility and/or at programs located therein to raise funds; and

WHEREAS, pursuant to City Code of Ordinances section 110-3(a)(7), concessions on parks or recreation property are treated differently from vending, and there is no fee for running a concession at a Department of Parks, Recreation, and Cultural Affairs venue; and

WHEREAS, it is important for the City to limit to one the number of Booster Clubs that can operate concessions in one recreation facility in order to avoid competition between clubs; and

WHEREAS, it is important for the City to have an agreement with each Booster Club to articulate the City's expectations regarding the conduct of the Booster Club and the mechanism for the City's acceptance and expenditure of the Booster Club's donated funds.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1. The Commissioner of the Department of Parks, Recreation and Cultural Affairs ("Commissioner") is hereby authorized to enter an agreement with any Booster

Club, without receiving further approval from the Atlanta City Council, provided that the Commissioner abides by the following:

- 1) The Commissioner or her/his designee shall make an announcement of the formation of a Booster Club at a regularly-scheduled meeting of the NPU in which the recreation facility is located. No less than thirty days after said announcement, the Commissioner or her/his designee shall conduct a formation meeting to be attended by any persons wishing to join the Booster Club or persons otherwise interested in the Booster Club. The Department of Parks, Recreation and Cultural Affairs shall have written rules regarding the formation and operation of a Booster Club, and shall distribute said rules at both meetings.
- 2) The Commissioner may contract with only one Booster Club per recreation facility.
- 3) The Booster Club must not discriminate in any manner, including with regard to its employees', volunteers', and patrons' race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, age, disability status, or gender identity.
- 4) The Commissioner shall have the authority to select one Booster Club to partner with where there are more than one group interested in that role, and may decide not to partner with a particular Booster Club, provided that her criteria for such decisions are set forth in writing and applied uniformly, and are not based upon race, color, creed, religion, gender, domestic relationship status, parental status, familial status, sexual orientation, national origin, political affiliation, age, disability status, or gender identity.

Section 2. The agreement between the City, by and through the Commissioner, and the Booster Club, shall contain, at a minimum

- 1) The Booster Club shall agree to indemnify and defend the City for any damages arising from the agreement entered between them.
- 2) The term of the agreement between the City and the Booster Club shall be one year, and the City may terminate the agreement without cause with sixty (60) days written notice.
- 3) Newly formed Booster Clubs shall be placed on a ninety day probationary period in their agreement with the City, during which time the City may terminate the agreement for any reason without notice, but only after consultation with the Booster Club.
- 4) A Booster Club must deposit all of its net revenue into the designated City of Atlanta trust fund. The Booster Club shall make requests to the Commissioner regarding how those funds will be utilized, though the Commissioner will have the ultimate decision-making authority regarding use of the funds. All funds must be utilized solely for the benefit of the recreation center or program being sponsored by the Booster Club.

- 5) A Booster Club may assess fees to its members to help cover the Club's expenses. The amount of the fee shall be approved in writing by the Commissioner prior to being implemented. No one shall be denied Booster Club membership or receive any differential treatment by the Booster Club as a result of inability to pay a fee.

The Commissioner may include any other requirements as s/he deems appropriate.

Section 3. Any group that wishes to become a Booster Club shall file a written application with the Office of Recreation. The application shall be accompanied by a ten dollar (\$10.00) processing fee. The Office of Recreation shall notify an organization in writing as to whether it has been selected to be a Booster Club. No organization will become a Booster Club until after it has entered a written agreement with the City.

Section 4. All revenue generated under this ordinance shall be deposited into account segment 7701 (TRUST FUND), 140303 (PRC SUMMER PROGRAM), 3710001 (PRIVATE CONTRIBUTIONS & DONATIONS), 6190000 (SPECIAL FACILITIES), 600239 (YOUTH ATHLETICS), 69999 (FUNDING SOURCE NON CAPITAL).

Section 5 The Mayor or her designee, on behalf of the City, is hereby authorized to accept donations from every Booster Club.

Section 6. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.